

REMARKS

Claims 1-8 are pending in this application. By this Amendment, claim 1 is amended.

I. The Claims Define Patentable Subject Matter

Claims 1-7 are rejected under 35 U.S.C. §103(a) as unpatentable over JP 2002-040428 in view of Adachi et al. and Grinberg et al. This rejection is respectfully traversed.

None of the applied art teaches, discloses or suggests adjusting the phase shift of the quarter-wavelength retardation plate as recited in claim 1. As such, the Examiner has not established a *prima facie* case of obviousness.

Adachi discloses that the wavelength of the selective reflection of the cholesteric liquid crystal layer and its wavelength range are determined based on the helical pitch of the cholesteric liquid crystal, average refractive index of the liquid crystal, and birefringence of the liquid crystal. For aligning and arranging a plurality of light emitting devices 24, controlling the light emitting operation of them, and realizing a light emitting display for performing a full color display, it is desirable to set a peak wavelength (wavelength at which the maximum intensity is obtained) of the light emission of the organic EL devices 150 constructing the light-emitting device 24 to wavelengths corresponding to red, green and blue. Accordingly, the peak wavelength of the light emission of the organic EL device 150 is made different every pixel and corresponds into those three primary colors. Thus, the wavelength range of the selective reflection of the cholesteric liquid crystal layer or center wavelength of the selective reflection is made to correspond to the light-emitting wavelength range of the organic EL device 150 or the peak wavelength of the light emission of the organic EL device.

Grinberg discusses circular polarizers and two major drawbacks of them. First, the extinction ratio for the device can have a high value only for narrow bandwidth of light wavelengths. The second major drawback is the absorption type of circular polarizer which absorbs between 60 and 80% of the incident unpolarized light.

None of the references provide a motivation for the combination as suggested by the Examiner. In fact, the motivation suggested by the Examiner for combining JP '428, Adachi, and Grinberg, contradicts the motivation suggested for using quarter-wavelength retardation plate type circular polarizers (circular polarizers including linear polarizers and quarter-wavelength retardation plates). That is, the Examiner cites the disclosure in Grinberg regarding the drawbacks of quarter-wavelength retardation plate type circular polarizers for motivation for incorporating the cholesteric liquid crystal layer of Adachi into the configuration of JP '428. However, on the other hand, the Examiner seems to assert that after making this combination, one skilled in the art would be motivated to use quarter-wavelength retardation plate type circular polarizers instead of the cholesteric liquid crystal plate.

Accordingly, Applicant respectfully submits that the Examiner's reasoning is contradictory to say that one skilled in the art would change to quarter-wavelength retardation plate type circular polarizers if the motivation for using cholesteric liquid crystal layer in the first place is because quarter-wavelength retardation plate type circular polarizers have drawbacks.

Accordingly, the only suggestion for making the asserted combination lies in the present application. As such, the asserted combination of the applied art was made using improper hindsight reconstruction of the references. Further, there is no clear showing that the resulting combination would necessarily correspond to the subject matter recited in the claims.

Accordingly, withdrawal of the rejection of claims 1-7 under 35 U.S.C. §103(a) is respectfully requested.

II. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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